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Letter dated 3 January 2007 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Please allow me to make a few comments on the special report of the Secretary-General on Ethiopia and Eritrea (S/2006/992) of 15 December 2006. Before I provide the comments of my Government on several of its contents, let me take this opportunity to further elaborate on the appointment of the Acting Special Representative for the United Nations Mission in Ethiopia and Eritrea (UNMEE) and set the record straight.

Paragraph 11 of the report states that "On 1 November, the Eritrean authorities informed the United Nations that Eritrea did not recognize the appointment of Azouz Ennifar as Acting Special Representative, even though Mr. Ennifar had been appointed in that capacity since 11 August 2006". The report gives the impression that 1 November was the only time Eritrea made its views known to the United Nations. On 5 July 2006, I met with the officials of the Department of Peacekeeping Operations to communicate Eritrea's concerns. The same issue was taken up with the higher officials of UNMEE in Asmara on 29 August 2006 at the office of Ambassador Girma Asmerom, Director-General responsible for international organizations and the Americas. Another follow-up meeting was held on 28 September 2006 between Assistant Secretary-General Hédi Annabi, Ambassador Girma Asmerom and myself at United Nations Headquarters.

On 1 November, the Ministry of Foreign Affairs put forward a démarche so that the issue would be solved without causing any unnecessary embarrassment to any party. Even after the démarche from Eritrea was delivered, contacts between the two sides continued, including bilateral meetings with Kofi Annan, former Secretary-General of the United Nations, and Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

Having clarified the views of my Government on the appointment of the Acting Special Representative of the Secretary-General, let me now turn to other issues on the same report. The Secretary-General, in several paragraphs of section II of his report, warned that the movements of the Eritrean Defense Forces into the Temporary Security Zone could seriously jeopardize the peace process, with serious consequences for the whole region. Since this issue was addressed in my letter of 23 October 2006 to the President of the Security Council (S/2006/840), I request that the letter be read in conjunction with the report of the Secretary-General to get a better perspective of my Government's response and its commitment to provide basic social services and the needed security for its people in the border areas that have long been denied the enjoyment of many of their basic rights, including the right to development.

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The deliberate and wilful violations of international law by the Government of Ethiopia is the most serious and persistent problem facing the peoples of Eritrea and Ethiopia, and this is what constitutes a major breach to the Algiers Peace Agreements. In this regard, the report fails to put the issues it raised into the proper perspective vis-à-vis the real obstacles imposed by Ethiopia to the peace process.

Paragraph 14 of the report also states that "the Eritrea-Ethiopia Boundary Commission (EEBC) was denied access by the parties to the border areas to erect boundary pillars on the ground". In paragraph 32, the same report states that the restrictions imposed on UNMEE by Eritrea have affected the Boundary Commission's work on the ground. This is a totally wrong assessment of the situation. All the impediments created by Ethiopia to the work of the Boundary Commission are listed in the report of EEBC attached to the report of the Secretary-General. Eritrea has always provided full access to the Boundary Commission's work on the ground. The report should have specified that the work of the Boundary Commission was interrupted on the ground and its field offices closed when Ethiopia prevented the Boundary Commission from fulfilling its legal mandate in accordance with the Algiers Agreements.

Paragraph 36 of the report further mentions "the imposition of a long and deliberately humiliating list of restrictions by Eritrea on the operations of UNMEE". Eritrea wishes to reiterate that its actions and measures with respect to the operations of UNMEE are not intended to humiliate the men and women wearing blue helmets. However, Eritrea will exercise its rights whenever some irresponsible members of the peacekeeping mission are found to be involved in activities outside their mandate. It will equally exercise its rights whenever its security system is being jeopardized by activities that it deems to be inconsistent with the mandate of UNMEE.

Finally, I wish to draw your attention to paragraph 33 of the report, which states that "despite the engagement and efforts of the international community, the parties have demonstrated no political will for compromise". The Secretary-General's expectation for a political will to compromise is not consistent with the provisions of the Algiers Peace Agreements. The report should have stressed the supremacy of the rule of law and the importance of adhering fully to the terms and conditions of the Algiers Peace Agreements in order to ensure its full implementation. Eritrea has not only remained fully committed to the agreements it has signed but has also rightfully objected to subjecting a legal verdict to diplomat c initiatives that sought to erode the final and binding decision of the Boundary Commission. It has also objected to initiatives that tried to undermine the authority of the Boundary Commission.

Eritrea wishes to reiterate that it remains committed to the delimitation/demarcation process established in article 4 of the Algiers Agreements, and to the boundary award announced by the Commission on 13 April 2002.

I would be grateful if the present letter were circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative